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Mr. David W. Danner
Executive Director and Secretary
Washington Utilities & Transportation Commission
1300 S. Evergreen Park Drive SW
P.O. Box 47250
Olympia, WA 98504-7250

Re: Docket UT-120451
Ending mandatory delivery of telephone directories

Please accept these comments from Sightline Institute in support of eliminating the requirement that telephone books be delivered to each customer, as currently provided in WAC 480-120-251.

It is Sightline's contention that the Washington UTC should stop requiring universal and ongoing delivery of phone books to telephone company customers. Instead, the Commission should *require* LECs to provide their customers with a choice about receiving print directories, through an affirmative "opt in" system.

The Commission should, however, set forth certain public protection measures. These measures should include at least three elements:

- 1) LECs should be required to clearly notify customers of their right to "opt-in" to receive a free a print directory;
- 2) Any requested directories should be delivered in a timely manner;
- 3) LECs should be required to report relevant data and statistics to the Commission in order to promote responsible oversight and public protection.

The current system of mandatory universal delivery is incredibly wasteful. The US white pages industry claims that 5 million trees a year are cut down each year in order to print white pages directories, and that nationwide only 22 percent of the books are recycled. If these figures are accurate, and if Washington's rate of participation is similar to participation in other states that have reformed white pages laws, eliminating the existing requirement could save roughly 1,200 tons of paper each year in Washington—nearly the weight of three fully-loaded 747 jumbo jets.

Moreover, revising Washington's current regulation would be consistent with changes happening in other places. USA Today reports that Verizon has already received approval to stop automatically delivering the white pages in 11 of the dozen states where it provides landline service, including Pennsylvania, Maryland, and Virginia. As of June 2011, rulings in California and DC were pending. AT&T is following suit, aiming to stop unwanted deliveries in an additional 14 states.

The same trend is underway internationally. In the Australian cities of Sydney and Melbourne, for example, residential white pages directories are no longer required by law, but are available on an opt-in basis. In Canada, most major cities including Vancouver, BC already have opt-in white pages delivery and opt-out yellow pages delivery.

Opt-in programs would give immediate relief for millions of annoyed consumers and reduce waste but still provide free delivery of directories to the small number of people who still want them.

In what follows, Sightline's comments have been formatted as replies to the questions posed in the Commission's notice.

1. Do all telephone company customers need printed directories of telephone numbers? If not, which types of customers continue to need such directories?

No. In fact, most residential telephone customers neither need nor want print directories.

According to an industry-sponsored Harris Interactive poll conducted in December of 2010, fully 87 percent of adults support "opt-in" programs for white pages, in which phone customers would no longer automatically receive the directories unless they proactively requested one. And Sightline's preliminary research into recent "opt-in" programs in other states suggests that even fewer telephone customers actually request print directories.

It is impossible to determine in advance which "types" of customers might continue to need print directories. Fortunately, an "opt-in" program protects the public interest and promotes customer choice by allowing individuals to obtain free print directories as they see fit.

2. If all customers do not need printed directories, should the Commission continue to require telephone companies to provide them?

No. Mandatory delivery of print telephone directories is wasteful, costly, and justifiably unpopular.

3. Should telephone companies give their customers the option to receive a printed directory?

a. If so, should customers be given the option not to receive a printed directory (opt out) or should customers be required to affirmatively request a directory (opt in)?

b. What costs would a telephone company incur to implement optional distribution of printed directories?

c. If any such costs would be significant, how should the company recover those costs?

Yes.

- a. A well-designed “opt-in” system would bring immediate relief to millions of annoyed customers but continue to provide easy, free, and equitable delivery of directories to the small percentage of customers who still want them. An “opt-out” system, by contrast, would almost certainly be less effective, resulting in ongoing waste and costs.
- b. A telephone company might be expected to incur some costs for notifying customers of their “opt-in” rights; costs for printing and delivering the directories that customers do request; and perhaps some small costs for regulatory compliance, such as data reporting.
- c. It is highly unlikely that any of the costs described above would exceed the costs of the current system of universal mandatory delivery. In fact, the changes suggested by Sightline in these comments would almost certainly save telephone companies substantial costs. As such, companies would not need to recover any costs.

4. Should the rule explicitly allow a telephone company to seek an exemption from the rule to relieve it of the obligation to print and/or deliver printed directories to customers? If so, what standard should the Commission consider?

Sightline believes that a complete and mandatory change to an “opt-in” system for all LECs would result in less waste, more cost savings, and better public policy. Failing that, Sightline believes the Commission would best serve the public by allowing LECs at their discretion to set up an “opt-in” process or to continue to operate under the present rule. In either case, however, the Commission should review companies’ “opt-in” program plans and set standards for “opt-in” notifications, delivery, and enforcement.

5. Should the Commission give telephone companies the option to provide online directories of telephone numbers instead of printed directories?

The Commission should continue to require that print directories be made available to the small number of customers who may request them under an “opt-in” program. In addition, the Commission should require that LECs continue to provide online directories of telephone numbers for their customers who do not choose to “opt-in.”

Thank you for the opportunity to comment on this matter. Please do not hesitate to contact Sightline Institute if we can be of service to the Commission.

Sincerely,

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